

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONAL HEALTHCARE SERVICES, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO.: 02-CV-3600
	:	
v.	:	
	:	
PENN TREATY AMERICAN CORP., et al.	:	
	:	
Defendants.	:	
	:	

**MOTION OF DEFENDANTS FOR ORDER
DECLARING RIGHT TO TAKE DEPOSITIONS OF
FACT WITNESSES AND FOR PLAINTIFF TO BEAR ITS OWN COSTS**

Defendants, by their undersigned counsel and pursuant to Rule 37 of the Federal Rules of Civil Procedure, hereby move for an Order declaring (1) that Penn Treaty may take depositions of third party witnesses, including but not limited to Joseph Axmann and Charles Mankamyer, as of right upon reasonable notice to plaintiff National Healthcare Services, Inc. ("National Healthcare"), and (2) that plaintiff must bear its own cost incurred in connection with its preparation for, and attendance at, such depositions. In support of this motion, defendants rely upon the accompanying memorandum of law.

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Dated: October 14, 2003

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